

**REMARKS**

**I. Summary of Applicant's Reply**

Applicants have amended claims 1, 3-5, 8, 9, 11-13, 15, 16, 19, 20, 21, canceled claims 2 and 14, and added a new claim 22. The specification has been amended to address the Examiner's objections. The Examiner's rejections under 35 U.S.C. §§ 112, 102(e), 102(b), and 103(a) are respectfully traversed by applicant. Reconsideration of this application and prompt allowance is respectfully requested.

**II. Summary of the Examiner Interview**

On March 19, 2008, the undersigned spoke with Examiners Boccio and Rubin regarding claims 1 and 15 with respect to U.S. Patent 6,904,033. Examiner Boccio pointed to FIG. 2 in discussion the limitations of claims 1 and 15. Applicants thank Examiners Boccio and Rubin for their time.

**III. The Examiner's Objections**

The Examiner objected to certain drawings as failing to comply with 37 CFR 1.84(p)(5). Applicants respectively submit replacement drawing sheets and amendments to the specification that correspond to the reference numerals added to the drawings.

The Examiner objected to the claim 19 limitation "said data server" because of insufficient antecedent basis. This limitation has been amended to read "said packet data server." Applicants respectfully request that the objections be removed.

**IV. The Rejection Under 35 U.S.C. § 112**

Applicants have amended claim 11 to remove "substantially" from the phrase "substantially equal." Applicants were unable to find any offending language in claim 8. Applicants respectfully request the rejection be removed.

**V. The Rejection Under 35 U.S.C. § 102**

Rejection by Perras

The Examiner rejected independent claims 1 and 8 with Perras (U.S. Patent No. 6,904,033).

During the Examiner interview, Examiner Boccio and Examiner Rubin pointed to FIG. 2 of Perras to show claim limitations of claims 1 and 15. The Figure shows a radio air link 37 and an IP wireline link 39 which allow a PPP connection 20 to be established. After the PPP connection is established a timer 41 is set for a defined time and then an agent advisement message 44 is sent to the mobile node 36. The PPP connection 20 allows communications with the mobile node 36 (see column 1, line 35).

Unlike claims 1 and 8, the defined wait time of Perras is after a connection is made to the mobile node (e.g., PPP connection 20). Claim 1 requires “waiting a set time period before sending a configuration request to the mobile subscriber to allow establishment of the radio air link.” Claim 8 requires “waiting a first set time period from sending the initial configuration request signal to the mobile subscriber before sending a second initial configuration request signal, wherein the first set time period provides additional time for establishment of the radio air link.”

Further, Perras does not show or suggest “sending a signal from the packet data server to trigger the establishment of a radio air link between the base station and the mobile subscriber to allow communication between the packet data server and the mobile subscriber” as claims 1 and 8 require. Perras also fails to show or suggest “receiving a request to register a data communication session with a packet data server prior to a radio air link being established with the mobile subscriber” as claims 1 and 8 require. For at least the forgoing reasons, applicants respectfully request the rejection be removed.

Rejection by Lundby

The Examiner rejected independent claims 15 and 16 with Lundby (U.S. Patent No. 6,993,352). Applicants could not find no teaching or suggestion of an “air link” as is required by claims 15 and 16.

In rejecting claim 15, the Examiner cited col. 4, lines 55-63 for all the limitations of claim 15. This section describes encoding schemes, and applicant can find no mention of, for example, “following receipt of said signal indicating that the radio air link has been successfully established, sending a configuration request signal to the mobile subscriber.”

Claim 16 requires “exchanging data session registration request and reply signals between a packet control function module and a data packet server module to register the data communication session.” The Examiner cited col. 3, lines 18-25, which discuss mobile stations performing in more than one packet data protocol, but there is no mention of registration request and reply signals. In fact, applicants could find no mention of registration anywhere in Lundby. For at least the forgoing reasons, applicants respectfully request that the rejection be removed.

#### Rejection by Tripathi

The Examiner rejected independent claim 19 with Tripathi (U.S. Patent No. 6,862,268). Claim 19 requires:

said packet data server including a processor that triggers the establishment of the radio air link and attempts sending a configuration request signal over said communication network responsive to an indication that said radio air link is ready to carry said configuration request signal to said mobile subscriber to establish a first connection. (claim 19)

The Examiner cited col 7, lines 30-48 to show this limitation, which describe the triggering of a supplemental channel to send more data. The section does not show or suggest anything relating to a configuration request signal that is sent over the same air link. Further, Tripathi does not show or suggest “a processor that triggers the establishment of the radio air link” or “sending a configuration request signal over said communication network responsive to an indication that said radio air link is ready to carry said configuration request signal to said mobile subscriber to establish a first connection.” For at least the forgoing reasons, applicants respectfully request that the rejection be removed.

#### Dependent Claims are Allowable

The Examiner rejected claims 2, 6, 7, 10, 11, 18, 20, and 21 under 35 U.S.C. § 102 and claims 3-5, 9, 12, 13, and 17 under 35 U.S.C. § 103(a). Applicant respectfully submits that these

claims are allowable for the same reasons given above. For at least the foregoing reasons, applicant respectfully requests the Examiner's rejection be withdrawn and the claims be allowed.

**VI. Authorization**

The Director is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment to Deposit Account No. 08-0219.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Director is requested to grant a petition for that Extension of Time which is required to make this Reply timely, and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

Date: May 16, 2008

/Benjamin K. Brown/  
Benjamin K. Brown  
Reg. No. 59,250  
Agent for Applicants

Wilmer Cutler Pickering Hale and Dorr LLP  
399 Park Avenue  
New York, NY 10022  
Tel. 212-230-8800  
Fax. 212-230-8888  
Customer No. 28089